

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL ACTION</b>
	:	<b>NO. 01-457-02</b>
<b>v.</b>	:	
	:	<b>CIVIL ACTION</b>
<b>KEITH WATERS</b>	:	<b>NO. 08-4531</b>

**ORDER**

**AND NOW**, this 15th day of June, 2009, upon consideration of Keith Water's *pro se* Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (Document No. 601, filed September 17, 2008); United States of America's Response in Opposition to Defendant's Section 2255 Petition (Document No. 625, filed January 2, 2009); Waters's counseled Reply to the Government's Response to the *Pro Se* Motion of Keith Waters under 28 U.S.C. § 2255 (Document No. 631, filed March 13, 2009); United States of America's Sur-Response in Opposition to Defendant's Section 2255 Petition (Document No. 634, filed April 14, 2009); the Hearing on Argument D in the Motion held on May 27, 2009 and June 1, 2009; and oral argument on all of the issues raised in the Motion on June 1, 2009, **IT IS ORDERED** that, for the reasons stated in the Court's Memorandum of June 15, 2009, Keith Waters's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 is **DENIED**.

**IT IS FURTHERED ORDERED** that a certificate of appealability will not issue on the ground that petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2).

**BY THE COURT:**

/s/ Hon. Jan E. DuBois

**JAN E. DUBOIS, J.**